

第三章

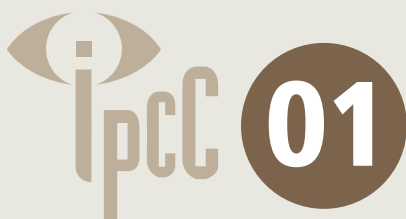
Chapter 3

MONITOR 監察
FAIRNESS 監察
持平 TRUTH
持平 TRUTH
QUALITY 質素
INDEPENDENT 獨立
MONITOR 獨立
監察 SOCIETY
LINK 社會 LINK
質素 QUALITY
INDEPENDENT 獨立
TRUTH 求真 獨立

投訴警察真實個案

Actual Cases of Police Complaints

CASE 個案 1



投訴指控 Allegation	被投訴人 Complainee	投訴警察課原來分類 Original Classification by CAPO	最後分類 Final Classification
毆打 Assault	一名警長 A Sergeant	無法證實 (初時列為「無法追查」) Unsubstantiated (initially classified as "Not Pursuable")	並無過錯 No Fault

個案重點

本個案彰顯了監警會作為獨立的監察機構，在審核警察因處理大型公眾活動而衍生的投訴時公平公正，不偏不倚。監警會有責任就投訴警察課的調查進行質詢，並衡量個案中的證據和所得出的結論。在這個案中，監警會更邀請了投訴人和被投訴的警員出席監警會會面，以協助委員考慮投訴警察課呈交的調查報告。

投訴人為一名記者，他投訴在2010年初，於中央人民政府駐香港特別行政區聯絡辦公室（下稱中聯辦）外採訪示威時，被一名身份不明的軍裝警務人員毆打。投訴人指該名警員插他雙眼，並聲稱警員的行動是為了阻止他採訪該項示威活動。

由於未能確定該名警員的身份，所以這宗投訴的指控初時被列為「無法追查」。後來投訴人提供電視台拍攝到的示威片段，投訴警察課因而能夠確定警員的身份為一名警長，並重新展開調查。為確保投訴警察課已徹底和公平地進行調查，監警會和兩名與案人士會見，釐清投訴個案中的事宜，並建議將此個案的「毆打」指控由「無法證實」改列為「並無過錯」。

Highlights of the Case

This case demonstrates that the IPCC, as an independent oversight body, will ensure that complaints against police handling of public order events are treated justly and without prejudice. The IPCC has a duty to enquire into investigations conducted by CAPO, and to evaluate the evidence by which findings are reached. In this particular case, the IPCC invited the complainant and the complainees to attend an IPCC interview for the purpose of considering the investigation report submitted by CAPO.

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The complainant, a reporter, lodged an allegation of “Assault” against an unidentified uniformed police officer. The complainant stated that the unidentified police officer had poked the complainant in the eyes while he was reporting a protest outside the Liaison Office of the Central People’s Government (LOCPG) in early 2010. The complainant alleged that the police officer’s act was intended to prevent him from reporting the protest.

The complaint was initially classified as “Not Pursuable”, as the identity of the police officer concerned was not confirmed. When the complainant produced a broadcasting station’s video footage of the incident, CAPO identified the police officer as a Sergeant, and re-opened the complaint investigation. In order to ensure that CAPO’s investigation had been thoroughly and impartially conducted, the IPCC interviewed the two persons concerned to clarify certain issues and proposed to change the classification of the “Assault” allegation from “Unsubstantiated” to “No Fault”.

個案背景 Case Background

投訴人在事發當日於中聯辦外採訪示威活動，根據2010年的新聞報道，當時場面混亂，聚集了眾多示威者、記者和警察。幾名示威者衝破警方的封鎖線並坐在馬路上，投訴人表示他隨著示威者走在馬路上並蹲下身子拍攝。突然他感到一隻手從後方伸到他的頭上，而手指正要插向他的雙眼。投訴人轉過頭來看見一名警員站在他身後，但他並沒有當場投訴該名警員，而是繼續其拍攝工作。投訴人當時並沒有損傷，事後亦沒有求醫。

第二天，一份報章刊登了一張投訴人的頭被一隻手按著的照片，投訴人雙眼則被手指所觸碰。後來投訴人以該照片為證據，向投訴警察課投訴，指該名警員用手插他的眼睛以妨礙其採訪示威活動（指控：毆打）。

On the day in question, the complainant was reporting a protest outside the LOCPG. According to a news report in 2010, the scene was chaotic, with many protestors, reporters and police officers in the vicinity. A number of protestors broke through a police cordon and sat down in the road. The complainant stated that he followed the protestors and knelt down in the road to film the incident. Suddenly, the complainant felt a hand on his head from behind, and fingers poking into his eyes. He turned around and saw a police officer standing behind him. The complainant, however, did not complain then and there, but continued filming the protest. He did not sustain any injury or seek medical treatment afterwards.

On the following day, a photograph capturing a hand on the complainant’s head with his eyes being touched by the fingers was published on a local newspaper. Later on, with reference to the said photograph, the complainant lodged a complaint with CAPO, alleging that the police officer had prevented him from reporting the protest by poking him in the eyes with his fingers (Allegation: Assault).

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投訴警察課的調查
CAPO's Investigation

因資料有限，投訴警察課未能確定該警員的身份，因此該個案最初被列為「無法追查」。投訴人不滿結果，遂向投訴警察課呈交一段記錄了事件剛發生之前的現場情況的電視台錄影片段。片中可見一名警長正站在投訴人的身後。投訴警察課確認該名警長為被投訴的警員。

該警長與投訴警察課會面時指出照片中的手可能是他的，他解釋當時他跟隊友獲指派到現場，並且用身體築成人鏈，以阻止旁觀者和其他示威者跟坐在中聯辦外的人士發生碰撞。期間他被示威者推撞，令他跟附近人士有身體接觸。警長指出可能因為被身後的示威者推向前方，令他撞到面前坐在路上的示威者。然而在整個過程中，並沒有人向他投訴被推撞或受傷。投訴警察課認為沒有足夠證據證明指控屬實，因此建議把指控列為「無法證實」。

Due to limited information, CAPO was unable to identify the police officer concerned and the complaint was initially classified as "Not Pursuable". Dissatisfied with the outcome, the complainant furnished CAPO with video footage from a broadcasting station featuring the scene shortly before the alleged assault. The video footage captured a police officer standing behind the complainant. The police officer was identified as a Sergeant, who was then registered as the one being complained of.

When interviewed by CAPO, the Sergeant said that it was probably his hand in the photograph. The Sergeant further explained that he and his teammates had been deployed to the scene, and had used their bodies to form a human chain to prevent onlookers and oncoming protestors from colliding with the group of protestors sitting in the road outside LOCPG. He was pushed and bumped by protestors, resulting in body contact with several surrounding people. The Sergeant stated it was probable that he had bumped into the protestors sitting in the road in front of him when he was pushed by other protestors from behind, but no one had complained to him about being bumped or injured throughout the incident. CAPO considered that there was insufficient evidence to support the allegation, and a classification of "Unsubstantiated" was proposed.

監警會的觀察
IPCC's Observation

監警會認為需要更深入了解在調查過程中的細節，才能審議調查結果。因此，監警會決定會見投訴人及該名警長。兩次會面分別由兩名監警會委員負責。

投訴人指出在發生涉嫌毆打事件後，他轉過頭來看見該名警長站在其身後，但他和警長並沒有任何眼神接觸或對話。投訴人當時認為自己沒有充份證據，因此並沒有

In order to obtain a better understanding of what had actually transpired so that the IPCC would be in a better position to consider the classification of the allegation, the IPCC decided to interview the complainant and the Sergeant. An interview panel comprising two IPCC Members conducted the respective interviews.

The complainant stated to the panel that after the alleged assault, he turned around to find the police officer concerned standing behind him. He had no eye contact with the police officer and there was no verbal exchange. He did not

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立即投訴該名警長。投訴人亦確定除了手上的攝錄機外，自己當時並沒有佩戴任何識別其記者身份的標記。

該警長呈交了一張由另一間報館拍攝所得的照片，相中可見包括他在內的幾名警員正努力保護坐在馬路上的示威者，阻止後方的人群向前推撞。他形容當時的情況十分擠逼和混亂，他需要移動身體和雙手才能保持平衡。他強調自己當時只關心示威者的安全，在執行職務時並沒有留意到自己失去平衡時，左手已放在投訴人的頭上。

監警會曾聯絡那名拍攝到警長的手放在投訴人頭上的人士，雖然他沒有出席會面，但卻主動指出該照片只是當時在現場拍下的多張照片中的其中一張，亦只有那張照片被報章登出。因此他個人認為那張相片只是反映當時現場的混亂情況，以及該名警員的一個動作。

監警會聽取過投訴人和警長各自對事件的陳述後，亦研究了有關的新聞報道。監警會認為當時該名警長無可避免地需要跟在場人士有頻繁的身體接觸，他的解釋亦是合理和可信的。因沒有可靠的證據支持投訴人被警長「毆打」的指控，加上警長並沒有意圖阻礙投訴人採訪示威活動，所以投訴警察課接納監警會的意見，並把指控改列為「並無過錯」。

監警會通過這宗個案的調查結果。

immediately lodge a complaint as he thought there was no cogent evidence to support a complaint. The complainant also confirmed that he was not wearing any identification to indicate he was a reporter at the time, but that he was carrying a video camera.

The Sergeant provided the panel with a photograph from another newspaper showing the position of police officers, including him, who were reportedly making great effort to protect the protestors sitting in the road by preventing the crowd behind them from pushing forward. He described the situation as very congested and chaotic and said he had to move his body and hands in order to maintain balance. He stressed that the safety of the protestors was his only concern, and said he was not aware that his left hand had landed on the complainant's head when he lost his balance while performing his duty.

The IPCC contacted the man who had taken the photograph of the Sergeant's hand on the complainant's head. Although he declined to attend an IPCC Interview, the photographer verbally volunteered the information that the photograph concerned was one of many he had taken at the scene, though it was the only one published by the local newspaper. Moreover, the photographer personally opined that the photograph was merely a factual reflection of an action of the police officer at the chaotic scene.

After interviewing both the complainant and the Sergeant, hearing their versions of the incident, and examining the relevant news reports, the IPCC considered that the Sergeant's frequent body contacts with surrounding people were inevitable and that his explanation was reasonable and credible. The IPCC was of the view that no reliable evidence had been established to support the allegation of "Assault" against the officer and that he had not intentionally interfered with the complainant's reporting of the protest. CAPO subscribed to the IPCC's view that the allegation should be re-classified as "No Fault".

The IPCC endorsed the findings in the investigation of this case.

CASE 個案 ②

ipcc 02

投訴指控 Allegation	被投訴人 Complainee	投訴警察課原來分類 Original Classification by CAPO	最後分類 Final Classification
1 濫用職權 Unnecessary Use of Authority	一名警長及五名 警員 A Sergeant and Five Police Constables	並無過錯 No Fault	並無過錯 No Fault
2 疏忽職守 Neglect of Duty	一名報案室警員 A Report Room Officer	未經舉報但證明屬實 Substantiated Other Than Reported (SOTR)	未經舉報但證明屬實 Substantiated Other Than Reported (SOTR)
3 警務程序 Police Procedures	香港警務處 《警務處程序手冊》 Hong Kong Police Force (Force Procedures Manual)	無 Nil	未經舉報但證明屬實 Substantiated Other Than Reported (SOTR)

個案重點

本個案說明了監警會能指出和糾正警務程序有誤的地方，亦證明監警會抱著持平的態度，考慮被投訴警員的責任問題。

警方扣押了八輛手推車和一輛小販用手推車（物品），這些手推車在公眾地方無人認領，並阻塞通道。但這些手推車其實是屬於一間回收公司的職員，他投訴扣押物品的警員「濫用職權」。經調查後，投訴警察課認為警員按《警務處程序手冊》的條文執行職務，並根據《公眾衛生及市政條例》第22條賦予的權力扣押物品，故把指控列為「並無過錯」。監警會查問之後，投訴警察課深入研究有關的法例，發現警員並沒有相關權力扣押物品，繼而刪除《警務處程序手冊》中相關的條文。投訴警察課接納監警會的建議，把投訴列為對於「警務程序」的「未經舉報但證明屬實」。涉案警員因為按照有誤的《警務處程序手冊》條文執行職務，所以並沒有犯錯。

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Highlights of the Case

This case illustrates the IPCC's role in identifying and rectifying procedural errors in police conduct, and demonstrates the IPCC's holistic and fair approach in considering the liability of police officers under complaint.

The Police had seized eight trolleys and one pushcart (the articles) that were left unattended and were obstructing a passage in a public area. The complainant, the employee of a recycling company to which the articles belonged, lodged an allegation of "Unnecessary Use of Authority" against the police officers who seized the articles. After investigation, CAPO recommended that the allegation be classified as "No Fault", since the police officers concerned acted in accordance with a provision in the Force Procedures Manual (FPM), which confers the power of seizure under Section 22 of the Public Health and Municipal Services Ordinance. Following the IPCC's queries, CAPO examined relevant laws and realised that police officers are not endowed with such power, and undertook to delete the related provision in the FPM. CAPO subscribed to the IPCC's recommendation that a count of "Substantiated Other Than Reported" be registered against "Police Procedures", though the police officers concerned should not be faulted, as they had followed an erroneous provision in the FPM.

個案背景 Case Background

2008年，一名警長在尖沙咀巡邏時，發現八輛手推車和一輛小販用手推車（物品）。這些物品無人認領而且阻塞公眾地方的通道，他遂召喚五名警員（警員小隊）協助找尋物主及清理現場。由於找不到物主，警員小隊決定把物品運回警署作棄置物品處理，並把「棄置物品報告」記錄於警署電腦檔案內。這批物品最後被銷毀。

該批物品其實屬於一間回收公司，當日公司的一名職員（被委派的投訴人）卸下物品於該處，後來發現物品不翼而飛。及後附近居民告知投訴人物品已被警方扣押，投訴人遂到警署報失，報案室警員翻查電腦記錄後，指沒有任何相關失物的記錄。

In 2008, a Sergeant on patrol in Tsimshatsui noticed eight trolleys and one pushcart (the articles) left unattended and obstructing a passage in a public area. He summoned five Police Constables (the Police Party) to assist in locating the owner of the articles to clear the obstruction. As the owner could not be located, the Police Party seized the articles and took them to the police station as abandoned articles. An "Abandoned Articles" report was entered in the computer at the police station. The articles were eventually destroyed.

The articles in fact belonged to a recycling company and had been unloaded at the spot on the day in question by a company employee (the complainant, as authorised), who later noticed that the articles were missing. After being informed by somebody living nearby that the articles had been taken away by the Police, the complainant made a "Loss" report to the police station. A report room officer checked computer records and stated that there was no record of the missing articles.

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於是投訴人向投訴警察課投訴，投訴人在其錄取的口供中指該警長及其警員小隊並沒有權力扣押他的物品，所以警方是非法取走他的物品（指控一：濫用職權）。

Subsequently, the complainant lodged a complaint to CAPO. He alleged in a statement that the Sergeant and the Police Party had illegally taken away the articles, as they had no authority to do so (Allegation 1: Unnecessary Use of Authority).

**投訴警察課的調查
CAPO's Investigation**

投訴警察課的調查發現，報案室警員在處理投訴人的失物報告時有所疏忽，因他沒有從警署電腦檔案內找出「失物報告」，令投訴人未能取回當時仍被扣押在警署內的物品。就該報案室警員的錯失，投訴警察課將指控列為「疏忽職守」（指控二：疏忽職守），並分類為「未經舉報但證明屬實」。該報案室警員就錯失被訓誡，但毋須記錄在他的部門紀錄中。

CAPO's investigation found the report room officer negligent in handling the complainant's "Loss" report, since he had failed to locate the "Abandoned Articles" report in the computer at the police station. As a result, the complainant could not reclaim the articles, which were still being held at the police station at that time. Therefore, a "Substantiated Other Than Reported" (SOTR) count of "Neglect of Duty" was registered against the report room officer (Allegation 2: Neglect of Duty), who was to be advised of his error, but without an entry in his Divisional Record File.

至於警長及其警員小隊，投訴警察課認為他們根據《警務處程序手冊》第30章的條文，在未能尋回物主的情況下扣押物品，他們亦已妥善地報告及記錄整件事。投訴警察課解釋指《警務處程序手冊》第30章中列明，《公眾衛生及市政條例》第22條授予警方扣押物品的權力，因此把第一項指控列為「並無過錯」。

Regarding the Sergeant and the Police Party, CAPO found that they had acted in accordance with a provision in Chapter 30 of the Force Procedures Manual (FPM 30) in seizing the articles after failing to locate the owner. The seizure had also been duly reported and properly documented. CAPO further explained that the power of seizure of the articles was conferred under Section 22 of the Public Health and Municipal Services Ordinance (PHMSO) as listed in FPM 30. Hence, CAPO proposed to classify Allegation 1 as "No Fault".

**監警會的觀察
IPCC's Observation**

然而，監警會審視《公眾衛生及市政條例》的第22條後發現，條例只賦予扣押物品的權力予食物環境衛生署署長，沒有給予警方此等權力。但該警長及其警員小隊只是遵照了有誤的《警務處程序手冊》第

Nevertheless, the IPCC observed that Section 22 of the PHMSO vested the power of seizure in the Director of Food and Environmental Hygiene, not in police officers. However, the Sergeant and the Police Party should not be held liable for the fault as they had no intention of abusing or misusing police power, but were merely following an erroneous

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30條來執行職務，他們沒有意圖濫用或不當使用職權，所以他們並無失責。

經監警會的查詢後，投訴警察課請食物環境衛生署署長澄清相關條文，證實警方並無權行使《公眾衛生及市政條例》第22條的扣押權力。就此，投訴警察課刪除《警務處程序手冊》第30條內的相關條文。投訴警察課接納監警會的建議，除了把指控一列為「並無過錯」外，亦應把「警務程序」的指控（指控三：警務程序）分類為「未經舉報但證明屬實」。

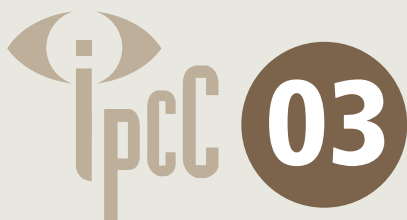
監警會通過這宗個案的調查結果。

provision in the FPM 30.

After the IPCC's queries, CAPO sought clarification from the Director of Food and Environmental Hygiene and confirmed that police officers have no authority to exercise the power of seizure under Section 22 of PHMSO. It then undertook to delete the related provision in FPM 30. CAPO subscribed to the IPCC's recommendations by registering an "SOTR" count of "Police Procedures" (Allegation 3: Police Procedures), on top of the "No Fault" classification of Allegation 1 so as to reflect a complete picture of the case findings.

The IPCC endorsed CAPO's findings in this case.

CASE 個案



投訴指控 Allegation	被投訴人 Complainee	投訴警察課原來分類 Original Classification by CAPO	最後分類 Final Classification
1 無禮貌 Impoliteness	一名警員 A Police Constable	無法證實 Unsubstantiated	無法證實 Unsubstantiated
2 疏忽職守 Neglect of Duty		無法證實 Unsubstantiated	無法證實 Unsubstantiated
3 濫用職權 Unnecessary Use of Authority		無法證實 Unsubstantiated	無法完全證明屬實 Not Fully Substantiated

個案重點

本個案彰顯了監警會可以對警方的工作常規提出建議，以預防相類似的投訴重覆出現。投訴人到訪一座大廈，保安員以保安理由要求她出示身份證，投訴人拒絕並引起糾紛。投訴人不理會保安員阻撓，堅持上樓前往其朋友的單位，保安員因而報警求助。投訴人其後向到場處理糾紛的警員提出三項指控（「無禮貌」、「疏忽職守」和「濫用職權」）。經調查後，投訴警察課把三項指控都列為「無法證實」。經監警會的查詢和建議後，投訴警察課把「濫用職權」的指控改列為「無法完全證明屬實」，並建議警員不可把別人的身份證交給第三者，並訓示他處理不涉及刑事罪行的糾紛時，用詞必需謹慎和得體。投訴警察課其後以本個案作為培訓前線警務人員處理糾紛的教材。

Highlights of the Case

This case highlights the IPCC's role in advising on police practices with a view to preventing the recurrence of similar complaints. The complainant, while visiting a building, was requested by the security guard to produce her ID card for security purposes. She refused and a dispute ensued. The complainant ignored the security guard and proceeded upstairs to her friend's flat. The security guard reported the incident to the Police. The complainant later lodged a complaint with three allegations ("Impoliteness", "Neglect of Duty" and "Unnecessary Use of Authority") against a Police Constable (PC) who handled the dispute.

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After investigation, CAPO classified the three allegations as “Unsubstantiated”. In response to the IPCC’s queries and suggestions, CAPO reclassified the allegation of “Unnecessary Use of Authority” as “Not Fully Substantiated”, advised the PC not to pass a person’s ID card to a third party, and further advised him to be more cautious and tactful in his choice of words, when handling disputes that did not involve a crime. CAPO also used the instant complaint case as a case study for frontline police officers who handle numerous dispute reports daily.

個案背景 Case Background

投訴人到一座住宅大廈探訪朋友，當她走進地下大堂時，保安員要求她出示身份證以作記錄。投訴人拒絕並與保安員發生爭執，投訴人逕自前往她朋友的單位，保安員遂報警求助。兩名警員到場了解情況，保安員帶領他們到投訴人朋友的單位，其中一名警員要求投訴人走出單位並出示她的身份證以作檢查和記錄。據稱，該警員其後把投訴人的身份證交予保安員作登記。

投訴人就上述的經歷，對該名警員提出三項指控：

1. 喝令投訴人走出單位外（指控一：無禮貌）
2. 不熟悉法律，因該名警員曾錯誤地指出，投訴人拒絕交出身份證明予保安員或已觸犯法例（指控二：疏忽職守）
3. 濫用警權，因為該名警員要求投訴人出示身份證讓保安員作調查和記錄之用（指控三：濫用職權）

The complainant went to a residential building to visit her friend. Upon entering the lobby, she was asked by the building’s security guard to produce her Hong Kong ID card so he could record her visit. A dispute between the complainant and the security guard ensued. Eventually, the complainant refused to comply with the security guard’s request and proceeded upstairs to her friend’s flat. In the meantime, the security guard called the Police for assistance. Two PCs responded and arrived at the scene. The security guard took them to the floor where the flat of the complainant’s friend was situated. One of the PCs asked the complainant to come out of the flat and requested her to produce her ID card for inspection and recording. The PC then allegedly passed the complainant’s ID card to the security guard for recording as well.

In connection with the above encounter, the complainant made three allegations against the PC:

1. He shouted at the complainant when requesting her to come out of the flat (Allegation 1: Impoliteness)
2. He was not familiar with the law, as he commented that the complainant might have broken the law by refusing to provide proof of her identity to the security guard (Allegation 2: Neglect of Duty)
3. He abused his police power in demanding the complainant to show her ID card to the security guard for inspection and recording (Allegation 3: Unnecessary Use of Authority)

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投訴警察課的調查 CAPO's Investigation

經調查後，投訴警察課建議把上述三項指控皆列為「無法證實」，因為沒有證據支持投訴人、保安員及警員各自的陳述。

After investigation, CAPO recommended that the three allegations be classified "Unsubstantiated", as there was no evidence to support the various stories of the complainant, the security guard and the PC regarding the above encounter.

監警會的觀察 IPCC's Observation

然而，監警會指出該名警員在處理事件中有不當之處，他錯誤地告訴投訴人保安員有權檢查她的身份證，並稱若投訴人未能遵照保安員的要求，保安員可以拒絕她進入大廈。監警會亦發現該保安員的口供證實了投訴人的說法，亦即該名警員在記錄投訴人的身份證號碼後，把她的身份證轉交保安員，而不是投訴人親自把身份證交給保安員。

監警會認為在這種情況下，無論警員或保安員均沒有權力強逼投訴人出示其身份證給保安員作檢查和記錄，因為此舉抵觸了香港的私隱法例。保安員應使用侵擾性較低的方法確保大廈安全，例如要求住戶確認訪客。當警員到投訴人朋友的單位外時，投訴人的朋友（大廈的住戶）已確認訪客的身份，警員應建議保安員毋須記錄投訴人的個人資料，這樣警員便能調解這宗不涉及刑事罪行的紛爭。

此外，監警會從此個案推斷前線警務人員對個人私隱的警覺性和法律知識並不足夠，建議為他們提供更多的培訓和指導。

跟進監警會對指控二的質詢，投訴警察課

Nevertheless, the IPCC suggested that the PC had mistakenly told the complainant that the security guard had the right to inspect her ID card and that the security guard might refuse her entry to the building if the complainant failed to comply with his request. The IPCC also observed that the security guard, in his statement to CAPO, corroborated the complainant's story that the PC, rather than the complainant, had passed the complainant's ID card to the security guard after the PC had recorded its number in his police notebook.

The IPCC's view was that under these circumstances, neither the PC nor the security guard had the right to compel the complainant to show her ID card to the security guard for inspection and recording, as this contravenes the privacy laws of Hong Kong. The guard should consider less intrusive means of ensuring security, such as requiring tenants to identify their visitors. If the complainant's friend (the tenant in the building) had confirmed her visitor's identity when the PC and the security guard went to the friend's flat, the PC should have advised both parties that it was not necessary for the security guard to make a record of the complainant's personal data. In this way the PC could have mediated the dispute, as no crime was involved.

Furthermore, from this case the IPCC inferred that front line police officers' awareness and knowledge of privacy laws might not be adequate, and recommended that they be given more training and guidance in this area.

Following the IPCC's queries, CAPO clarified that the PC was merely citing a notice posted by the Owners' Incorporation of

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澄清該警員只是引用一張貼在電梯大堂的大廈業主立案法團告示，而且他並沒有指出投訴人或已觸犯法例。因缺乏可靠的證據來證明當時的對話，投訴警察課提出指控二的分類應維持「無法證實」。

投訴警察課審閱保安員的口供後認為，有一些可靠的證據證明該警員把投訴人的身份證轉交保安員。投訴警察課接受監警會的意見，把指控三改列為「無法完全證明屬實」。該警員受到訓諭，提醒他在類似情況下，需加倍注意處理身份證及不應將之轉交第三者，訓諭將不記入部門紀錄。

另外投訴警察課認同監警會的意見，指該名警員在處理沒有涉及刑事罪行的糾紛時，用詞應謹慎和得體。警員應特別留意，強制使用警察權力和提供建議或調解的分別，警員應盡量保持中立和公正。

監警會建議以本個案為培訓教材，投訴警察課接納並以此為鑒，訓練所有時常需處理大量糾紛的前線警務人員。

監警會通過這宗個案的修訂調查結果。

the building in the lift lobby, and he had not commented that the complainant might have broken the law. Devoid of reliable evidence to verify the conversation that took place, CAPO proposed that Allegation 2 remain as “Unsubstantiated”.

After reviewing the security guard's statement, CAPO deemed that there was some reliable evidence to support that the PC had passed the complainant's ID card to the security guard. CAPO subscribed to the IPCC's view by reclassifying Allegation 3 as “Not Fully Substantiated”. The PC was to be advised, without a Divisional Record File entry, to be mindful in handling ID cards and not to pass them to third parties in future similar circumstances.

Moreover, CAPO agreed with the IPCC that the PC should be advised to be more cautious and tactful in his choice of words when handling disputes with no crime involved. In particular, he should distinguish between the exercise of coercive police power and the offering of helpful suggestions or mediating on a voluntary basis. He should stay as neutral and impartial as possible.

CAPO also followed up on the IPCC's suggestion that the instant complaint case be used as a case study for training purposes for all frontline police officers who handled numerous dispute reports daily.

The IPCC endorsed CAPO's findings in this case.